

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA . CR. NO. H-19-148-1
VS. . HOUSTON, TEXAS
GONZALO JOSE JORGE . NOVEMBER 10, 2021
MORALES-DIVO . 11:15 A.M. to 12:14 P.M.

TRANSCRIPT of SENTENCING
BEFORE THE HONORABLE GRAY H. MILLER
UNITED STATES DISTRICT JUDGE

APPEARANCES: (All participants wearing a mask)

FOR THE GOVERNMENT: DREW BRADYLYONS
Fraud Section
Department of Justice
1400 New York Avenue
Washington, D.C. 20005

FOR THE DEFENDANT: STEPHEN JAMES BINHAK
Law Office of Stephen James
Binhak PLLC
1221 Brickell Avenue
Ste 2010
Miami, Florida 33131

ANDREW H. KAUFMAN
Stephen E. Kaufman PC
277 Park Avenue
47th Floor
New York, New York 10172

ROBERTO MARTINEZ
Colson Hicks Eidson
255 Alhambra Circle
Penthouse Suite
Coral Gables, Florida 33134

Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

APPEARANCES CONTINUED

FOR THE DEFENDANT

SANDRA GROSSMAN

OFFICIAL COURT INTERPRETER:

RAMON DEL VILLAR, JR.
(On standby)

PROBATION OFFICERS:

DEYANIRA LOREDO
CHRIS HOPKINS

COURT REPORTER:

KATHY L. METZGER
U.S. Courthouse
515 Rusk
Room 8004
Houston, Texas 77002

P R O C E E D I N G S

(Open court, interpreter on standby)

THE COURT: All right. The Court calls Criminal Case 19-148, which I will note has now been unsealed pursuant to the request. This is United States of America versus Gonzalo Morales.

Who's here for the government?

MR. BRADYLYONS: Good morning, Your Honor. Drew Bradylyons on behalf of the government.

THE COURT: Bradylyons?

MR. BRADYLYONS: That's right, Your Honor.

THE COURT: Okay. Good. Good morning.

MR. BRADYLYONS: Good morning.

THE COURT: All right. And for the defendant?

MR. MARTINEZ: Your Honor, good morning. May it please the Court.

THE COURT: Yes, sir. Come up.

MR. MARTINEZ: Your Honor, good morning. My name is Bob Martinez.

THE COURT: Mr. Martinez.

MR. MARTINEZ: I'm also here with attorney Stephen Binhak and Andy Kaufman.

THE COURT: All right.

MR. MARTINEZ: My client is right outside. We were waiting for the conclusion of this proceeding.

1 *THE COURT:* All right.

2 *MR. MARTINEZ:* And I believe that Mr. Binhak, who will
3 be addressing the Court, stepped out momentarily to go to the
4 restroom before coming back into the courtroom.

5 *THE COURT:* Okay. Very good. Thank you.

6 *MR. MARTINEZ:* Mr. Morales is here. Also counsel
7 Sandra Grossman.

8 *THE COURT:* Okay. Very good. Welcome to you all.

9 Mr. Morales, come forward, please.

10 *MR. MARTINEZ:* And Mr. Morales speaks English, Your
11 Honor, but he would benefit from a translator.

12 *THE COURT:* Fine. No problem.

13 *MR. MARTINEZ:* Mr. Binhak is in the restroom.

14 *THE COURT:* Okay. We'll wait for him. Y'all can sit
15 while we're waiting, that's fine.

16 All right. Mr. Binhak?

17 *MR. BINHAK:* I'm sorry I'm late. I was in the
18 bathroom.

19 *THE COURT:* No worries. We were running a little
20 overtime on the last one, so not a problem.

21 All right. Are we ready to go, Mr. Binhak?

22 *MR. BINHAK:* Yes, sir.

23 *THE COURT:* All right. Mr. Morales, if you want to
24 stand up here or you can do it from the table, if you prefer,
25 it's fine.

1 *MR. BINHAK:* If it's okay with you, I'd prefer to
2 stand up here.

3 *THE COURT:* No, that's fine. Absolutely.

4 *MR. BINHAK:* It's hard for me to hear, and we all have
5 our masks on, so.

6 *THE COURT:* I understand. I understand.

7 All right. So, Mr. Morales, is present. Do you
8 have an interpreter who is interpreting for you, Mr. Morales?

9 *THE DEFENDANT:* I understand okay.

10 *THE COURT REPORTER:* Can he use the microphone, Judge?

11 *THE COURT:* Yes. There's a microphone right there.
12 Go ahead.

13 *THE DEFENDANT:* Yeah, I understand, Judge.

14 *THE COURT:* You understand English?

15 *THE DEFENDANT:* Yes.

16 *THE COURT:* But we do have an interpreter standing by,
17 if you need one. All right.

18 *THE INTERPRETER:* That's correct, Your Honor.

19 *THE COURT:* All right. So, Mr. Morales, this is a
20 sentencing hearing in your case. I want to start by briefly
21 describing the Court's sentencing procedures. The U.S. Supreme
22 Court has held in the *Booker* case that the sentencing
23 guidelines are advisory and not mandatory for judges. *Booker*
24 requires the sentencing court to consider the guideline ranges,
25 but it permits the court to tailor the sentence in light of

1 other statutory concerns as well.

2 The Court in the exercise of its sentencing
3 discretion will rely on the factors which are set out in
4 Section 3553(a) to fashion an appropriate sentence in your case
5 to achieve the congressionally mandated purposes of sentencing
6 as set forth in the Sentencing Reform Act of 1984. The Court
7 will endeavor to faithfully apply the directives within the
8 guidelines in their entirety to determine the total offense
9 level and the criminal history category under the guidelines.
10 Thereafter the Court will exercise its sentencing discretion to
11 determine the appropriate sentence. In doing so, the Court
12 will give considerable weight to the sentencing range
13 calculated under the guidelines.

14 Any comments by the Court in the course of the
15 sentencing are not to be construed as an indication that the
16 Court believes that the guidelines are mandatory or that they
17 constrain the Court's ultimate sentencing discretion.

18 The standard of proof for factual findings in
19 connection with sentencing is preponderance of the evidence.
20 And in determining whether that standard has been met, a
21 presentence report is generally considered sufficiently
22 reliable to be used by a trial court as evidence in making the
23 factual determinations which are required by the advisory
24 guidelines.

25 Now, in your case I have reviewed the presentence

1 report, which was prepared by the probation department.

2 No objections by the government?

3 *MR. BRADYLYONS:* That's correct, Your Honor.

4 *THE COURT:* All right. Let's see. I think you did --
5 it wasn't filed as a formal objection, but as part of your
6 sentencing memorandum, I think you filed an objection with
7 respect to the guideline calculations, Mr. Binhak?

8 *MR. BINHAK:* Yes, sir, we did. We did.

9 *THE COURT:* All right.

10 *MR. BINHAK:* Judge, we don't believe that the PSI
11 reflects the agreed factual basis for the plea that's in
12 Mr. Morales' plea agreement. Specifically, the United States
13 and Mr. Morales agreed that the total amount of bribes that
14 should be associated with him and attributed to him was
15 \$629,000 and that Mr. Morales received the benefit of at least
16 2.534 million dollars as a result of his conduct. And that's
17 in the plea agreement at 14. And those are the facts that came
18 through in the colloquy.

19 And I want to be a hundred percent clear, we are
20 embracing that. We are not running away from that. What
21 Mr. Morales said at the plea colloquy and in his plea
22 agreement, he agrees with 100 percent.

23 By contrast, the PSI we believe uses a different
24 methodology and it looks to the conduct of the co-defendant
25 Mr. Gonzalez-Testino and more generally it says at Paragraph

27, "The total estimated benefit received from the bribery of PDVSA officials and contracts awarded to companies owned or partially owned by Gonzalez-Testino is 38.9 million dollars."

Now, Judge, in the Fifth Circuit, to hold a defendant accountable for conduct of others, the government must establish that the defendant agreed to jointly undertake criminal activities with a third person and that the particular activity was within the scope of the agreement. That's the *United States versus*, and I apologize for not pronouncing its name right, but *Evbuomwan*, which is at 9 -- it's E-v, like in Victor, b, like in boy, u-o-m, like in Mary, w-a-n, which is at 992 F.2d 70. It's a Fifth Circuit case from 1993. And that's citing 1.1 -- 1.B -- 1B1.3, and it essentially says what I just said, and it's in our brief.

Also, in *United States versus Rivera*, which is 898 F.2d 442, also a Fifth Circuit case from 1990, the defendant, Mr. Rivera, pled guilty to a distribution of heroin, and the court at -- the sentencing court at sentencing, the district court adopted the factual findings of the PSI and concluded that Mr. Rivera distributed all 224 grams of heroin that were described in the indictment. And the Fifth Circuit in that case reversed. And what it said is that the record showed that on this particular date Mr. Rivera admitted selling .28 grams of heroin and said that he should be essentially held to that standard.

1 We believe Mr. Gonzalo Morales' case presents a
2 very similar situation. As I said, we absolutely and
3 completely abide and adopt what he's pled guilty to and we
4 think he should be held accountable for that. And if that's
5 the case and you apply the guidelines, the benefit to him is
6 2.534 million dollars, which under the circumstances would mean
7 that he should receive 12 months under 2X1.1, the conspiracy
8 guideline, and 2C1.1, FCPA, because you cross-reference from
9 the conspiracy to the FCPA, two points because the scheme
10 involved more than one bribe, and then 16 additional points
11 under 2B1.1(b) (2), because he received --

12 *THE COURT:* That's all right.

13 *MR. BINHAK:* That's fine. I just want to make sure
14 you do everything you need to do. I recently did a trial with
15 masks on and you just can't tell anything. All you see is
16 eyebrows moving.

17 So anyway, the benefit would be greater than
18 1.5 million dollars and then, of course, followed by a
19 three-point reduction for acceptance of responsibility,
20 assuming that you grant the government's motion in that regard.
21 That would make the total 70 to 87 months, which is where --

22 *THE COURT:* You're still capped at 60 months.

23 *MR. BINHAK:* Yes, sir. So I don't want to make a
24 distinction without a difference and running down a rabbit hole
25 for no reason, but we do think it's important because I know

1 how seriously -- I actually just saw the questioning that you
2 had just a moment ago, how seriously you take the parity
3 between the cases and we think this is a very important
4 indicator of where Mr. Morales sits in the grand scheme of
5 things. So we don't think -- even though it will have no
6 effect ultimately on the actual calculation of the guidelines,
7 we think it's a very important proxy for where he stands in
8 the -- among the other participants in the crime. So for that
9 reason, I appreciate you listening to that and that's our
10 position.

11 *THE COURT:* All right. Is that the only objection you
12 have?

13 *MR. BINHAK:* Yes, sir.

14 *THE COURT:* Okay. Fine. Thank you.

15 Mr. Bradylyons.

16 *MR. BRADYLYONS:* It's the government's position, Your
17 Honor, that the PSR correctly calculates the sentencing
18 guidelines. That figure of approximately 38 million dollars
19 reflects the improper benefit that was reasonably foreseeable
20 and jointly undertaken criminal activity between Mr. Morales
21 and his principal co-conspirator Mr. Gonzalez.

22 The government would note that we agree with
23 defense counsel that the personal benefit figure is important
24 for the Court to consider in avoiding unwarranted sentencing
25 disparities. And that figure here is about two and a half

1 million dollars. That being said, the number that the PSR
2 identified of approximately 38 million dollars is the correct
3 figure for loss amount purposes.

4 That number has not always been ascertainable in
5 these cases. Where it has been in the cases of Mr. Hernandez,
6 for example, and Mr. Millan, the Court did use that figure for
7 purposes of the PSR. Those figures are astronomical. They're
8 102 million dollars and they are 145 million dollars. The
9 personal benefit figures for those two defendants here, two and
10 a half million dollars, were also relevant data points for the
11 Court. But, Your Honor, it's the government's position that
12 that 38 million dollars is correct.

13 *THE COURT:* All right. I've looked at this. Of
14 course, I'm very familiar with this case and how these amounts
15 are calculated. So I think the PSR calculated it correctly.
16 So I'm going to overrule your objection on that, Mr. Binhak.
17 But the figure that I really take into account more than just
18 the gross loss amount figure is the personal benefit figure,
19 and that kind of drives my desire to keep the defendants
20 relatively -- the ones that are equally culpable, keep them in
21 the same range. So even though I'm going to overrule your
22 objection to it, the personal benefit figure I think is agreed
23 at about two and a half million dollars.

24 *MR. BINHAK:* Yes, sir, slightly over. 2.543 is the
25 number, and it's in our briefs and it's in the --

1 *THE COURT:* Right.

2 *MR. BINHAK:* And thank you for ruling on that, I
3 appreciate it, and I'll address that later. I'm sure you'll
4 give me the opportunity to do that.

5 *THE COURT:* Of course I will.

6 *MR. BINHAK:* I know you will.

7 *THE COURT:* Of course I will.

8 Okay. So as a result of overruling the
9 objection, the Court will adopt the presentence report and find
10 that the total offense level is 33 with a criminal history
11 category of I. That yields a recommended period of
12 imprisonment of 60 months pursuant to the five-year maximum for
13 this particular offense; a period of supervised release of one
14 to three years; a fine range from 17,500 to \$77,852,000; and a
15 special assessment of \$100.

16 All right. I note in this case the government
17 has filed a 5K motion asking me to give 25 percent off, to a
18 sentence of 45 months; is that correct?

19 *MR. BRADYLYONS:* That's correct, Your Honor.

20 *THE COURT:* All right. What would you like to say
21 about that on behalf of the government?

22 *MR. BRADYLYONS:* Your Honor, from his first meeting
23 with law enforcement, Mr. Morales was forthright, truthful,
24 honest, and provided fulsome information. He debriefed with
25 the government on multiple occasions. The information he

1 provided was corroborated, and it corroborated the information
2 provided by others.

3 Mr. Morales was a notably eager cooperator.
4 Through counsel there were months where he would provide
5 information to law enforcement half a dozen times. That law
6 enforcement was provided -- I'm sorry. That information was
7 provided to a multitude of law enforcement agencies. And in
8 light of that, Your Honor, the government requests that a
9 departure of 25 percent to reflect that substantial assistance.

10 *THE COURT:* All right. Thank you.

11 Mr. Binhak.

12 *MR. BINHAK:* I just want to make sure I go in the way
13 you are accustomed to doing sentencings. Would you like me to
14 address all of my remarks at this time?

15 *THE COURT:* All your sentencing recommendations and
16 remarks and then I will hear from the defendant.

17 *MR. BINHAK:* Yes, sir. And Mr. Morales does want to
18 address the Court.

19 *THE COURT:* And I have read through your book.

20 *MR. BINHAK:* I know you have. I'm not going to repeat
21 it. We gave you a lot of stuff and we just wanted to be super
22 thorough.

23 Judge, first, I want to thank you for having us
24 today and for granting extensions on behalf of Mr. Morales so
25 that he --

1 *THE DEFENDANT:* I need to sit down.

2 *MR. BINHAK:* Okay. He needs to sit down.

3 *THE COURT:* Fine, no problem. Please.

4 *MR. BINHAK:* And granting him the extensions for
5 COVID, so that we could all be here in person. It's very
6 important for Mr. Morales to address you personally, and we
7 appreciate that.

8 You know, Judge, throughout COVID, you know, I've
9 been working through my home through a computer screen and I'm
10 been thinking a lot about the ritual of court and why it's
11 important and why we do things a certain way. You know,
12 there's a mundane reason why a big curtain goes up before a
13 play or the conductor taps the baton or tells you things are
14 going to start or even why the judge comes in and we stand up.
15 But there's another reason --

16 *(Defendant stood back up)*

17 *THE COURT:* Have a seat. It's fine, please.

18 *THE DEFENDANT:* Thank you.

19 *MR. BINHAK:* But there's a much more important reason
20 for that. It tells you how serious the event is that we're
21 about to embark on. And as a defense attorney at a sentencing,
22 it's my job to demonstrate to you that Mr. Morales takes it
23 that seriously. He doesn't take it as just a tap of the baton
24 and we move on, but he understands the gravity of the situation
25 that we're in and the gravity of what we're doing here.

1 And I think we will be able to demonstrate by
2 telling a few things about his life and the way he's conducted
3 himself in this case, that he has committed to not just the
4 form of the ritual of the cooperation and the guilty plea and
5 sentencing, but the true substance of that.

6 Mr. Morales pled guilty to one count of
7 conspiracy to violate the Foreign Corrupt Practices Act in
8 violation of 18 U.S.C. 371. He raised money for companies that
9 procured equipment for PDVSA, and the companies used this money
10 to procure equipment that they -- that PDVSA had ordered and
11 then they would sell that -- that back to PDVSA at an inflated
12 price and then they would use that inflated price to make
13 improper payments and including paying back Mr. Gonzalez --
14 Mr. Morales and his investors where he raised the money from.

15 Mr. Morales violated United States law because he
16 knew that these companies were paying bribes to officials at
17 PDVSA and its procurement division Bariven in order to obtain
18 the contracts in the first place to expedite payments and so
19 that Bariven would award U.S. dollar-denominated contracts
20 instead of Bariven, which was far more desirable for obvious
21 reasons.

22 Now, Mr. Morales' history in Venezuela before he
23 ever came to the United States is a very good example, we
24 think, about how his character is to participate meaningfully
25 and not just go through the motions of walking through the

1 ritual. Mr. Morales was born in Venezuela. His father was a
2 mechanical engineer and a professor of engineering at various
3 universities. At 98 years old his father remains a member of
4 the prestigious academy that runs engineers.

5 His mother was a diplomat and she was Venezuela's
6 ambassador to Peru. This gave him a very privileged start.

7 And Mr. Morales created a number of successful
8 construction companies. He built single family homes,
9 apartments, commercial buildings, and an airport. And as a
10 result of that success, he could have continued to stay in
11 the -- where he was and run his business and be a very
12 successful man.

13 In 2006 he met a woman, Fabiola Colmenares, and
14 at that time she was widely known. And in 2008 Ms. Colmenares
15 founded the Popular Will party. And that party became a
16 significant opposition party in the government.

17 And at this time Mr. Morales was also alarmed by
18 the Chavez government, even though he could have continued to
19 benefit from it and he supported the movement to maintain
20 democracy in Venezuela. Through the activities of the VP, in
21 2009 Mr. Morales learned from Venezuela's former intelligence
22 director, Miguel Rodriguez Torres, that Mr. Morales would have
23 to leave the country immediately or be in extreme danger for
24 his opposition work.

25 In short, long before he was ever involved in

1 this case, he left a comfortable and privileged life in his
2 industry to challenge the government. And his conduct forced
3 him to leave the country. He was not going through the
4 motions. He was meaningfully participating.

5 We think the same is true, as an example, with
6 his family life. Mr. Morales, after he came to the United
7 States, married a woman. He adopted two children, age 6 and 8.
8 But despite the divorce, he's still very close to his ex-wife.
9 He's the father of the two young stepdaughters, and he provides
10 for them financially.

11 And we've read the letter from his wife. And I'm
12 sure you've also read the letter from the young woman -- the
13 young girl, Isabella's therapist. Isabella is the
14 developmentally challenged situation. And, you know, a lot of
15 people when they're faced with a divorce or a special needs
16 child, they withdraw. And Mr. Morales has not gone through the
17 motions. He stepped in, and he's fully participated in a
18 meaningful way. And as you can see from the letter from the
19 therapist in particular, he is an extraordinarily important
20 force in Isabella's life.

21 I think the media -- his media business also
22 shows this situation where he's just not going through the
23 motions. He is fully all in and part of the process.

24 In 2010 Mr. Morales founded *Venezuela al Dia*,
25 which started as a printed newspaper in a western county near

1 Miami. And the paper became the largest circulation of
2 Venezuela news.

3 Later he founded ElPolitico.com, which is a news
4 website that focuses on Latin American news; also
5 Descifrado.com, an economic news website; and the
6 Miamidiario.com. He also founded VPITV, which is a broadcast
7 station that was centered with Ms. Colmenares in Venezuela.
8 And the whole purpose of this was -- of all these things was to
9 be opposition to the government.

10 Now, my point here is that he could have gone out
11 and made a *People* magazine. He could have made a lot of money
12 selling celebrity news or sports or whatever, but he
13 particularly focused on making change in his own country and he
14 did it in a very serious way, so much so that the government
15 shut down the VPITV and has shut down access to his outlets in
16 Venezuela.

17 He has provided through these networks critical
18 support to Mr. Guaidó, who has written a letter on his behalf,
19 and the VP, the political party that he was around for the
20 founding of. And he has helped to expose Maduro government's
21 human rights abuses and criminal behavior. All three founders
22 of the VP wrote to the Court, and you have those letters.

23 Then you saw the letter from Jorge Antonio
24 Betancourt Silva, which is a critical letter and shows in great
25 detail and we went through it in great detail in our

1 submission, about how critical this media presence is in
2 Venezuela and how his -- how Mr. Morales' journalists and news
3 operations have exposed corruption, crime, and lack of
4 democracy in Venezuela, also, how Mr. Morales has helped with
5 the logistics to support very important humanitarian aid and
6 political efforts in the country.

7 And Mr. Silva further describes the unique
8 political, sensitive political intelligence information that
9 Mr. Morales has been able to expose and specific illegal
10 activity which is in the Maduro regime. And that's in our -- I
11 won't read it again.

12 But I think what is the most important
13 achievement that Mr. Morales has had through this effort --
14 through these efforts, and we've identified one with the letter
15 from Gilber Alexander Caro Alfonzo, the Venezuelan state of
16 Miranda representative who was smuggled -- or Mr. Morales
17 helped to smuggle out of Venezuela to avoid torture is probably
18 the best example of him not just going through the ritual but
19 in putting himself out at personal risk and personal harm to
20 save other people who would have a very horrible fate
21 otherwise. And Mr. Caro Alfonzo is not the only one. He's
22 just the one that we chose to show you. There are several
23 more.

24 So the point here that I'm trying to make,
25 Judge, is that what you're going to hear when you speak to

1 Mr. Morales, and I encourage you to ask any questions that you
2 have of him, is a man of substance, who is not going through
3 the motions. He is not the kind of person who's just going to
4 get up and say what you need to hear here and just open the
5 curtains so the show could start. This is a serious man who
6 feels deeply shameful for what he's done.

7 And that brings us to his immigration status and
8 a particularly shameful part of -- particularly for him a
9 source of great shame. What Mr. Morales will tell you is that
10 when he left Venezuela because he had to, he came to this
11 country. And this country was a refuge for him to be safe, so
12 that he could prefer democracy. And it is a sense of great
13 shame for him that he violated the laws while he was here, and
14 he considers that a particularly embarrassing part of this
15 situation.

16 And if he were to go home, he -- the last time he
17 went home, he was followed by the police. He believes he would
18 be tortured. And as a result of his asylum application and the
19 things that he's done right in the United States,
20 notwithstanding this colossal -- his crime is really the only
21 way to say it, he has been a productive member of the U.S. and
22 particularly the Venezuelan/U.S. community so much so that just
23 at the end of October, in the last 15 days or so, the
24 Department of Homeland Security gave him a deferred action
25 letter, which is a relatively rare thing to get. And it says,

1 "You have been granted deferred action as an act of discretion
2 by and for the administrative convenience of the United States
3 government." And that's partially because, I think, of his
4 cooperation and the cooperation that may happened before, but
5 no matter how much you cooperate, if you're a bad guy, you're
6 not going to get that.

7 And there's also a work permit coming there.
8 And, of course, this does not bind you at all, no question at
9 all. But I think it shows an indication of at least what one
10 part of the United States government thinks about whether
11 Mr. Morales can be a productive contributing member of our
12 society. And, so, I think that's an important thing.

13 Then we can move on to the cooperation that
14 Mr. Morales gave. As the United States has just told you,
15 Mr. Morales cooperated from the beginning. He did something
16 that most defense lawyers would really pull their hair out if
17 they saw, which is he went in without immunity and his lawyers
18 on the very first meeting and he disclosed what he was doing
19 and who he was doing it with. In my experience, Judge, as both
20 a prosecutor and a defense attorney, I've been doing this for
21 30 years, I hope I don't look like that old, but you rarely see
22 that. I've rarely seen that in my experience.

23 Then after fully disclosing what he did, I think
24 is where he went on to do some exceptional things for the
25 United States. Through his network of contacts and media

1 outlets and relationships in Venezuela, sometimes at the
2 request of the investigators but sometimes on his own
3 initiative, Mr. Morales provided more than a hundred very
4 sensitive documents, including passports, Venezuela immigration
5 records, flight plans, and airplane tail numbers, internal
6 PDVSA documents and other Venezuelan documents, which gave the
7 United States in many -- I won't say many, in several key
8 instances its first glimpse of what was going on in real time
9 in Venezuela.

10 Now, I know that you see people come and
11 cooperate on a regular basis and it's -- you know, a very
12 distinguished judge in our district, who's now on the Eleventh
13 Circuit, Judge Marcus, used to say, There's proactive, going
14 out and putting yourself in harm, putting on a wire, having
15 conversations, testifying at trial, these are the highest
16 levels of cooperation, as opposed to just sitting in a room and
17 just telling some people what you did. Well, this I would
18 submit to you, because he did not have the chance to testify,
19 that's not his situation, he was not in a position to make
20 recordings, this is that kind of cooperation. This is putting
21 yourself out and getting the kind of cooperation that most
22 people never are able to give to the United States.

23 And we give tremendous credit to people who
24 testify, but this is, I think, at another level. Let me give
25 you just -- let me highlight a couple of specific examples from

our papers.

In September of 2019 Mr. Morales smuggled, with other people's help, out of Venezuela a 19-page letter which is handwritten by the former Minister of Oil and President of PDVSA. And this letter outlined areas of Venezuelan government corruption, including the details of Alex Saab's role as a money launderer for President Maduro. And Mr. Saab has recently made his way back to Miami, Florida, where he will answer in part for those very allegations, I believe, as a casual but informed observer.

In February 17 -- on February 17th of 2021, Mr. Morales provided to the United States a report outlining the Venezuelan anti-aircraft missile defense program. Among other things, this report included a description of the Russian IGLA-S system that's installed in Venezuela with detailed maps identifying how the system and the missiles are deployed. That's an extraordinary thing. I'm sure the government had great use for it and not just at the Department of Justice but in other places.

In March of 2021, Mr. Morales provided to the United States information regarding meetings between Venezuelan government officials and suspected Ukrainian money launderers, including the flight plans, the passenger names, and tail numbers associated with their travel to Venezuela.

And I believe just based on the conversations

1 that I've had indirectly with the agents, that in 2019, I
2 believe it was, that Mr. Morales was the first person to tell
3 the United States how Venezuela was smuggling gold out of the
4 country and literally had pictures of boxes of gold bars on
5 private aircraft leaving the country. He was able to obtain
6 those and the tail numbers and who were bringing the planes and
7 when they were leaving, and we handed those over to the United
8 States. And that was a major effort by Venezuela that was
9 beginning to avoid the OPEC sanctions that were -- that had
10 just recently begun to really strengthen in at that time.

11 We believe this exceptional cooperation extends
12 far beyond the normal cooperation that you see, as I said, and
13 I think also it's just another example of how you're seeing a
14 man who's serious and is not just making stuff up to please you
15 now. This is a lifetime of doing good things and in the midst
16 of a horrible and tragic fundamental error of judgment that
17 caused him to commit a crime. And that was just wrong, and I
18 think he'll tell you that.

19 And I think, as this woman who was just being
20 sentenced, and I don't know her name, said, that this does not
21 define me, this one act. Well, I think it's fair to say that
22 the crime that Mr. Morales committed doesn't define the entire
23 person. It's part of the person. It's a flaw that he engaged
24 in, but there are many other pieces that are worthy of
25 recognition.

1 So the other thing I would like to touch on at
2 this point, Judge, is Mr. Morales' health. In late February of
3 2021, he was literally picked up at his hospital -- at his home
4 and brought to the hospital and was -- well, to be blunt, his
5 brother called me and said that he was about to die. That's
6 what I heard about him. His recovery is really, according to
7 the doctor, it's -- I hope you had a chance to read the --
8 excuse me, to look at the video and I can see by your nodding
9 that you did, and to read the letter, it was really just
10 essentially a miracle that he is sitting here today. And for
11 that Mr. Morales is fundamentally and extraordinarily grateful.

12 You know, Judge, I am not in the habit and I
13 would not come in front of you and say someone shouldn't go to
14 jail because they're going to die. I'm not saying that. And
15 I'm also not saying that Mr. Morales should get a pass because
16 he's been ill. But I think he should an accommodation, and
17 that's what we're really asking for. And I'll get back to that
18 in just one second.

19 So, I'd just like to touch now just briefly on
20 the actual crime so we just put this all in context of this
21 horrible decision that he made, which really has derailed his
22 life in a fundamental way. As I said, starting in 2012
23 Mr. Morales began working with his friend Jose Manuel Gonzalez
24 Testino, a name that I know that you know, and he was investing
25 in Mr. Gonzalez's companies, which were bidding for contracts

1 with PDVSA. And when Gonzalez would win a bid, Morales would
2 identify and secure capital and some of them, but not all, but
3 some in order to procure the supplies that PDVSA ultimately
4 were selling.

5 Now, let there be no doubt, this is why we're
6 here. Mr. Morales knew that Mr. Gonzalez was paying --
7 providing bribes and paying bribes to PDVSA officials,
8 including Cesar David Rincon-Godoy, another name that I know
9 that you know, who was the general manager of PDVSA's
10 procurement office called Bariven. Mr. Gonzalez, as I said
11 earlier, paid these bribes so that Mr. Rincon would direct
12 contracts to Mr. Gonzalez's companies. He would give these
13 contracts priority for payment and that they would also get
14 dollar-based contracts far more valuable than bolivars.

15 For the investments that Mr. Morales made, there
16 were \$629,000 worth of bribes that were involved. And I am not
17 trying to revisit your ruling before. I'm just trying to give
18 you the context of his role.

19 Mr. Gonzalez also paid bribes -- agreed to pay
20 bribes to an entity called "The Group," which I'm sure is a
21 phrase that you've heard before. These were the individuals
22 who controlled Bariven. And, again, let there be no doubt,
23 Mr. Morales knew about these bribe payments because he met in
24 2012 with Mr. Luis Carlos de Leon, who was a member of The
25 Group. So, he knew it was going on.

1 During the meeting Mr. de Leon told Mr. Morales
2 that the Morales/Gonzalez companies would have to pay The Group
3 a 10 percent fee, surcharge, bribe, gratuity, whatever word you
4 want to use, but there's the crime, the value of the contracts
5 that PDVSA awarded going forward. And after Mr. Morales told
6 Mr. Gonzalez about that 10 percent payment, Mr. Gonzalez
7 confirmed to Mr. Morales that these payments would be made.
8 So, as I said, we are not in any way walking away from
9 responsibility for the conduct here.

10 And along these lines, at a meeting with
11 Alejandro Isturiz Chiesa, Mr. Isturiz provided payment
12 instructions to Mr. Morales and Mr. Morales relayed those
13 payment instructions to Mr. Gonzalez. And Mr. Gonzalez
14 confirmed that he was making the payments.

15 That relationship between Mr. Gonzalez and
16 Mr. Morales lasted for approximately two to three years. And
17 Mr. Morales received, I can give you the exact number,
18 \$2,524,365.65 to his bank. That's his personal benefit that
19 arrives from this, which is a significant number, and I'll get
20 to that with respect to the others in just a second.

21 Judge, we believe that you should downward depart
22 on the facts that I've just laid out to you. First, I
23 understand it's an Eleventh Circuit case, but in *United States*
24 *v. Rodriguez*, when a person doesn't get any credit for the
25 three points and it just sort of evaporates, the judge has

1 authority to incorporate that into a downward departure and
2 take account of that.

3 We're asking that you make that part of your
4 consideration to reduce the sentence. There's no question in
5 my mind that Mr. Morales made immediate acceptance of
6 responsibility, and I think that should be covered in his
7 sentence.

8 The second thing we would like you to consider is
9 the placement in the scheme. Mr. Morales was a financier. And
10 I'm not minimizing here. That's important. You know, things
11 don't get done without dollars to finance. But he was not an
12 architect of the broader scheme. He didn't arrange the
13 specific relationships that caused the bribes. He did not
14 carry money around in bags to give the bribes.

15 We think, Judge, that if you were to sentence him
16 in the heartland of the people that you've sentenced, he would
17 be similar to the Millan case, where there was an FCPA
18 violation, also, 18 U.S.C. 371, with a personal benefit of
19 \$533,000 and change. Millan got three years of probation.

20 And similar, the Beech case, which is also a 371
21 FCPA conspiracy, where Beech received an \$833,000 personal
22 benefit.

23 We think Millan -- well, you will recall, Judge,
24 that Millan received three years probation, but 500,000 is
25 substantially less than 2.5 million. And Beech received 12

1 months and a day for imprisonment, \$833,000 worth of personal
2 benefit, which is about 40 percent of where Mr. Morales is.

3 We believe, Judge, that without the health issue,
4 that Mr. Morales would rightly fall into a prison sentence of
5 one -- of 12 months and 1 day. And we think that would fit in
6 line. And the reason, even though Mr. Morales is greater
7 personal benefit than Mr. Beech, we believe that -- and
8 although they are both getting the same reduction request for
9 cooperation, we believe that Mr. Morales' cooperation is
10 extraordinary and we believe he should get a slightly -- well,
11 a more significant reduction than the government is asking the
12 Court for.

13 I've cited you the Sentencing Commission's
14 general rules and the statistics on what happens for people
15 who've cooperated, and it's almost 70 percent is the average
16 across the United States. So I don't think this is out of line
17 with what's going on across the United States for cooperators
18 in bribery cases, but I certainly I understand that you want to
19 keep the parity within this case. So, and that average
20 reduction is 77 -- 76.7 percent. Also, the acceptance of
21 responsibility.

22 So, where we're asking for the accommodation, I
23 said to you before, the accommodation, we believe that instead
24 of a custodial sentence for that 12 years and -- excuse me, 12
25 months and 1 day, goodness gracious, that's a mistake, right,

1 12 months and 1 day, which would probably allow Mr. Morales to
2 leave custody sometime in the eleventh month with credit, tenth
3 or eleventh month. We think that in order to allow him to
4 continue to have the therapy that he needs, the nutrition that
5 he needs and if something horrible happens, to have access to a
6 hospital, that you place him under home detention for a period
7 of anywhere from 10 to 12 months. You may decide that it's not
8 enough -- that he shouldn't get credit because he's going to be
9 home as opposed to somewhere else. So, you know, my
10 recommendation is 11 months, because that's what I think he
11 would get back if he would be in jail, but I'm not going to sit
12 here and quibble over the month. So, home detention.

13 Also -- and that is not -- I think what the
14 message that sends is I'm giving the same sentence that I would
15 ordinarily give to this person, but I'm giving an accommodation
16 to accommodate his health. But what's important also, and this
17 is not in our brief and I apologize for not putting it in, it's
18 my error, is that rather than -- we don't want anybody to think
19 that Mr. Morales is sitting at home watching TV. We want to
20 turn this into something productive. And I don't think it's
21 enough for him to sit home and work on his businesses even if
22 it will help democracy in Venezuela, which is very important,
23 but that's just businesses he owns and that can make him money.
24 I want you to be sure that there's (A) a productive use of his
25 time for the community and at large and (2) a message that

1 nobody got anything off free.

2 And I think for every week that he's home -- or
3 every month, he should have, whether you do it 30 hours a week
4 or 120 hours a month, however you show, he should have
5 community service. And I think that community service should
6 be hands-on specific work with underprivileged people. Because
7 Mr. Morales grew up in such a privileged side, I think the best
8 way for him to give back is to people who really didn't have
9 the advantages he did.

10 We have a specific suggestion. There's an
11 organization in Miami called the Camillus House. It feeds
12 homeless and houses homeless people and provides medical care
13 to 12,500 people in an average year. 50,000 meals a month or
14 something like that. We think that either that, Camillus
15 House, or some place like it on a -- basically on a full-time
16 basis. That would be the only reason he would be able to go
17 out of the house other than doctors, lawyers, and church. It
18 would be a way to accommodate without in any way undermining
19 the seriousness of what's happened in this case.

20 So, Judge, I want to end with where I began, and
21 thank you so much for being so generous with your time. I've
22 been a little longer, but my wife says that that's a genetic
23 problem for me.

24 *THE COURT:* It happens in our profession.

25 *MR. BINHAK:* But I want to end where I started. I

1 want to introduce you, when you're ready, if you want to hear
2 from the government first, but I want to introduce you to
3 Mr. Morales. I want you to feel free to ask him any question
4 you want. He has some things that he would like to say to you.

5 And I just want to -- I hope that I have -- I
6 hope that I've discharged my responsibility in demonstrating to
7 you that this is not a man who's just waiting for the curtain
8 to go up so he can do something. I hope that I've set the
9 stage, pardon the pun, for him to show you and demonstrate with
10 his own words and with his own heart that he's extraordinarily
11 remorseful for, really no other way to say it, but a stupid,
12 stupid, greedy act, and that he has tried since the moment that
13 he could to make it right and he would like to continue to make
14 it right going forward. So if you have any questions, I'm
15 happen to answer them; otherwise, I'll just -- I'll shut up.

16 *THE COURT:* All right. I think I understand
17 completely your recommendation with respect to sentencing.
18 Before I hear from Mr. Morales, I'm going to give
19 Mr. Bradylyons an opportunity to say anything that he would
20 like to say to sum up on behalf of the government based on what
21 we've heard from the defense.

22 *MR. BRADYLYONS:* Yes, Your Honor. Just briefly and
23 without going back into what's in our sentencing memorandum, we
24 do believe that this was a significant bribery scheme and that
25 Mr. Morales played a significant role in it. He was not merely

1 a bystander. He had conversations with members of the
2 management team at PDVSA and Bariven. In light of that, the
3 government recommends a custodial sentence.

4 I think the four most relevant sentences for the
5 Court to consider when fashioning a sentence for Mr. Morales
6 are those sentences of Mr. Beech, Mr. Padron, and Misters
7 Muller and Pinto. Mr. Morales is slightly differently situated
8 than each of those. So, Mr. Padron received a sentence of 18
9 months. His personal benefit was considerably greater than
10 Mr. Morales', but the government requested a smaller 5K.

11 Mr. Muller and Mr. Pinto received sentences of 20
12 and 24 months respectively. Their personal benefits were
13 smaller than Mr. Morales', but those defendants both pled
14 guilty to two counts and received 5Ks that were less than the
15 5K that the government is asking for Mr. Morales.

16 And, finally, Mr. Beech received less money than
17 Mr. Morales did, less than half, and received a 5K of
18 approximately a similar amount. I think the sentences of
19 Mr. Padron and Mr. Beech are the two most relevant sentences
20 for the Court to consider when fashioning the sentence for
21 Mr. Morales.

22 *THE COURT:* Let me ask you, with respect to the
23 medical condition and the report of the doctor, do you think
24 that any kind of accommodation is either required or should be
25 considered in light of his medical condition and his episode,

1 cardiac arrest?

2 *MR. BRADYLYONS:* We certainly think it would be
3 appropriate to consider it. We don't believe it's required,
4 Your Honor. I think we have confidence that B.O.P. can handle
5 a great number of medical conditions. So, it's certainly
6 something to consider, but nevertheless, the government
7 requests a custodial sentence for Mr. Morales.

8 *THE COURT:* Okay. Thank you.

9 All right. I would like to hear from
10 Mr. Morales, please.

11 *THE DEFENDANT:* Your Honor --

12 *THE COURT:* Yes, sir.

13 *THE DEFENDANT:* -- how are you?

14 *THE COURT:* Fine. Thank you. How are you?

15 *THE DEFENDANT:* Well, I am here standing in front of
16 you. First of all, thanks to an opportunity that God gave me,
17 bringing me back from death. So I owe a big debt to God and to
18 all the people that surrounded me. That I'm really ashamed to
19 have failed your country, my family, the people who trusted me,
20 which generally a lot of people trust me.

21 And not one word that is coming from my mouth
22 today, I may not say a lie. I wanted to say that I'm really,
23 really sorry, that the country that allowed me to come, embrace
24 me and makes me live a different life than I was living. Being
25 Venezuelan is not easy. Being Venezuelan is like, not a bad

1 citizenship, where anything can happen from one day to another.
2 We suffer a lot of changes. Families, they separate. My
3 sister lives in Germany. My brother lives in North Carolina.
4 My other sister lives in Paris. My father is retired and then
5 from son to son, maybe visit one. And I have my -- glad to
6 have my father here. He's 97 years old.

7 And they just told me since I was a kid to
8 respect the laws and respect people above all. I don't have
9 anything else that comes into my mind different, that greed
10 took a moment of weakness from me and, well, I'm really, really
11 sorry. Because since that moment my life has become a
12 disaster, sir, in many ways, not only the health and my
13 personal life, it's been to tough. I'm working on amend
14 things, trying to be better and not repeat any of this ever
15 again. All I can say is I'm sorry. I have the most respect
16 for the prosecutors' table, I have for my lawyers, for you,
17 Your Honor. And, well, saying that, I'm sorry.

18 *THE COURT:* Thank you, Mr. Morales. Thank you very
19 much.

20 All right. I think what I'm going to do in this
21 case, I think probably Mr. Beech is the most comparable in
22 terms of culpability in terms of the defendant in this case,
23 and so I think I would ordinarily impose a sentence of 12
24 months and a day, after granting the government's 5K motion and
25 going down farther than they suggested. I would ordinarily

1 impose a sentence of 12 months and a day, but I think in this
2 case I'm going to do a split sentence.

3 I'm going to do six months in the custody of the
4 Bureau of Prisons and then I'm going to do six months of home
5 confinement.

6 And I do like your idea with respect to the
7 community service. So during the six months of home
8 confinement, the defendant will be required to perform
9 community service of 120 hours for each of those six months.
10 And I do believe Camillus House is recommended, would probably
11 be -- I'm going to recommend that that community service be
12 serviced -- I'm going to order it to be served there.

13 *MR. BINHAK:* Understood. And we'll reach out to make
14 the arrangements for him to be a volunteer there, so that
15 immediately when he comes out there will be no -- there will
16 just be no break.

17 *THE COURT:* All right. Good.

18 *MR. BINHAK:* May I just make one --

19 *THE COURT:* Yes.

20 *MR. BINHAK:* -- I don't mean to interrupt you, Judge.

21 *THE COURT:* No, go ahead.

22 *MR. BINHAK:* There's a conceivable issue with
23 immigration law and I just want to build this into what we're
24 doing here. I'm not trying to reargue your ruling. I just
25 want to -- I'm not an immigration lawyer. We do have his

1 immigration lawyer here, Mr. Morales' immigration lawyer. With
2 this deferred action, it's quite possible that when he goes in,
3 wherever he goes, there will be -- at the B.O.P., there will be
4 a detainer on him and he will have to spend some period of
5 time, maybe an indefinite period of time in immigration hold.
6 And I just want you to understand that so you can -- I don't
7 want him to violate anything by being in the wrong place at the
8 right time. So, again, I'm not trying to change your mind on
9 what you've done. I respect your ruling. I just want to make
10 you aware of that issue so that he doesn't -- he's not
11 somewhere that he can't be at Camillus House because he is --
12 because the Department of Homeland Security.

13 Now, I'm hopeful that the fact that they gave him
14 deferred action and a work -- and they're giving him a work
15 permit, I'm hopeful that the immigration side of the house will
16 be able to work this out and we won't interfere with the
17 sentence that you're going to impose on the J&C. And, again,
18 I'm not trying to retread anything here. I just want to make
19 you aware of that issue, so we don't have a problem.

20 *THE COURT:* Okay. I think that -- I would imagine the
21 probation officer who's supervising him on his home confinement
22 can probably take care of that issue; and if there are any
23 problems, they would let me know.

24 *PROBATION OFFICER LOREDO:* Right. And I'm assuming he
25 will be supervised in Florida where he resides.

1 *THE COURT:* I'm assuming that as well.

2 *PROBATION OFFICER LOREDO:* We will have to get with
3 their office to see -- we have in Houston obviously approved
4 agencies. I don't know if this is one of them. So what we
5 would like to note in the judgment is that he would be doing
6 community service at Camillus House, if approved by the
7 probation office there.

8 *THE COURT:* That is correct, yeah. And if there's a
9 problem with that, then let me know and we can come up with
10 some other agency.

11 *PROBATION OFFICER LOREDO:* Correct.

12 *THE COURT:* Okay. Thank you. Thank you.

13 All right. So while on home confinement, the
14 defendant shall not commit another federal, state, or local
15 crime; shall comply with the standard conditions that have been
16 adopted by this Court; abide by any mandatory conditions
17 required by law; and shall comply with the following additional
18 conditions -- let's see. Wait a minute. Here we go.

19 All right. You must provide the probation
20 officer with access to any requested financial information and
21 authorize the release of any financial information. The
22 Probation Office may share that financial information with the
23 U.S. Attorney's Office.

24 You must not incur any credit card charges or
25 open additional lines of credit without the approval of the

1 probation officer.

2 You must immediately report, continue to report,
3 or surrender to U.S. Immigration and Customs Enforcement and
4 follow all of their instructions and reporting requirements in
5 the event that any duplication proceedings are commenced.

6 You are also -- if you are ordered deported from
7 the United States, then you must remain outside the United
8 States unless legally authorized to reenter. If you reenter
9 the United States, you must report to the nearest probation
10 office within 72 hours after you return.

11 You must seek proper documentation from U.S.
12 Immigration and Customs Enforcement authorizing you to work in
13 the United States.

14 The Court finds that the defendant does, in fact,
15 have the ability to pay a fine in this case. Therefore, the
16 Court will impose a fine in the amount of \$100,000.

17 It is further ordered that the defendant shall
18 pay to the United States a special assessment of \$100 due
19 immediately through the United States District Clerk, Southern
20 District of Texas.

21 Having assessed the defendant's ability to pay,
22 payment of the total criminal monetary penalty shall be due as
23 follows: The defendant shall begin payment immediately. Any
24 unpaid balance due will be due in payments of the greater of
25 \$25 per quarter or 50 percent of any wages earned while in

1 prison. The defendant shall receive credit for any payments
2 made through the Bureau of Prisons Inmate Financial
3 Responsibility Program. Any balance remaining after release
4 from imprisonment shall be paid in monthly installments of
5 \$1,000 to commence 30 days after release to home confinement.
6 Payments are to be made through the United States District
7 Clerk, Southern District of Texas.

8 I am going to also impose a period of supervised
9 release after the home confinement of three years. And I'm
10 going to waive the urinalysis testing and the mandatory
11 conditions.

12 Let's see. Do we have an order of forfeiture in
13 this case?

14 *MR. BRADYLYONS:* We do, Your Honor. There's a money
15 judgment has been entered in the amount of \$2,534,365.65.

16 *THE COURT:* Okay. So that's taken care of?

17 *MR. BRADYLYONS:* Yes, Your Honor.

18 *THE COURT:* All right.

19 *PROBATION OFFICER LOREDO:* Your Honor --

20 *THE COURT:* Yes.

21 *PROBATION OFFICER LOREDO:* -- during the period of
22 home confinement, would you like any type of location
23 monitoring to be determined by the probation officer to make
24 sure he is home?

25 *THE COURT:* Yes, I would. That's a good idea. Thank

1 you. Thank you.

2 *PROBATION OFFICER HOPKINS:* Your Honor, just to
3 clarify --

4 *THE COURT:* Yeah.

5 *PROBATION OFFICER HOPKINS:* -- the home detention will
6 be served while on supervised release? There won't be six
7 months of home detention, then three years of SRT?

8 *THE COURT:* The first six months of the supervised
9 release term will be home confinement.

10 *PROBATION OFFICER HOPKINS:* Correct.

11 *THE COURT:* Yes. Thank you.

12 All right. Any other clarifications necessary?
13 Good. Thank you. I appreciate you doing that.

14 *MR. BRADYLYONS:* Not from the government, Your Honor.

15 *THE COURT:* All right. Anything else? No, we don't
16 need to dismiss any counts or anything?

17 *MR. BRADYLYONS:* That's correct, Your Honor.

18 *THE COURT:* Okay. Very good.

19 Anything else?

20 *MR. BINHAK:* Judge, I have a request, if you don't
21 mind.

22 *THE COURT:* Yes.

23 *MR. BINHAK:* At least in my neck of the woods, it's
24 appropriate to ask the Court to make a recommendation on a --

25 *THE COURT:* Placement?

1 *MR. BINHAK:* -- place.

2 *THE COURT:* Sure.

3 *MR. BINHAK:* And I absolutely understand and
4 Mr. Morales understands that it's not binding on the B.O.P.
5 But there's a -- in South Miami and I will get the name and I
6 will notify your chambers in the next hour.

7 *THE COURT:* We can put in the judgment as close to
8 South Miami as possible to the B.O.P.

9 *MR. BINHAK:* Yes, because this way he will be close to
10 his doctors. There's a camp in -- about 25 miles from his
11 home, south, which will keep him close enough and maybe we
12 could even get a situation where his doctor could visit him and
13 do something like that. So, I would appreciate that. And I
14 also I just noticed from the lack of anybody in the room, that
15 I would ask for voluntary surrender but --

16 *THE COURT:* Oh, yes, of course. You're not opposed to
17 it?

18 *MR. BRADYLYONS:* No objection, Your Honor.

19 *THE COURT:* Okay. Has he signed the document, Ruth?

20 *MR. BINHAK:* No, we haven't.

21 *THE COURT:* Okay. So there's the document to be
22 signed --

23 *MR. BINHAK:* Okay.

24 *THE COURT:* -- before you leave.

25 *MR. BINHAK:* And, Judge, just with regard to what I'd

ask, is a voluntary surrender just sometime after January 5th, 6th, so he can do the holidays with his family and then he can -- if he could start --

THE COURT: If you get a reporting date prior to that, just ask me and I'll -- you don't have any objection to that, I assume?

MR. BRADYLYONS: No objection at all.

MR. BINHAK: Thank you, Judge. We really appreciate it. Thank you for your time.

THE COURT: All right. Thank you.

Mr. Morales, good luck to you.

THE DEFENDANT: Thank you very much, Your Honor.

MR. MARTINEZ: Thank you, Your Honor.

THE COURT: All right. Thank you.

(Concluded at 12:14 p.m.)

* * *

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled cause, to the best of my ability.

/s/ *Kathy L. Metzger*
Kathy L. Metzger
Court Reporter

9-2-2022
Date